

RECORD OF PROCEEDINGS

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Minutes of

COUNCIL

Meeting

Held

October 19, 1998

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The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, October 19, 1998 at 8:00 P.M. in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an Invocation given by Deputy-Mayor James Singer, and the Pledge of Allegiance to the Flag, with Mayor Sally Beals presiding. Councilmembers and City Staff present were as follows:

Deputy-Mayor James Singer

Councilmembers George Smith
 Susan Lienesch
 James Reppert
 C. Mark Kingseed
 J. V. Stone

Clerk of Council Marilyn McLaughlin

City Manager Gregory Horn

Assistant City Manager Judith Gilleland

Public Works Director Steve Weaver

City Planner Steve Feverston

Municipal Attorney Robert Farquhar

Finance Director William Bettcher

The minutes of the following meetings had been distributed prior to this meeting:

Council Meeting - September 21, 1998.

September 28, 1998.

Council Work Session Meetings - September 21, 1998.

September 28, 1998.

October 5, 1998.

October 12, 1998.

Mr. Reppert moved that the minutes of the foregoing meetings be approved as distributed. Mr. Kingseed seconded the motion. The motion passed unanimously.

Mayor Beals introduced Maureen Pero, President of the Downtown Dayton Partnership and Mike Robinette from The Miami Conservancy District, present at this meeting to provide Council an overview of the Downtown Dayton Riverfront Development Project. Mrs. Pero identified this as a cooperative effort between the Downtown Dayton Partnership, Five Rivers Metro Parks and The Miami Conservancy District. She outlined the following project goals: 1) to create a regional destination, 2) to utilize the river as a stimulus for economic development and recreational activities, 3) to improve access to the river and 4) to link the river with other attractions, districts and neighborhoods. Mrs. Pero reviewed the input obtained for the development of the plan, the plan as it is proposed to be used throughout the different seasons and hours of the day, and the formula used to obtain funding for the project. Inventions made in Dayton will be featured by amenities in the Riverscape.

Mr. Robinette presented to Mayor Beals a marble plaque engraved with the words "Thank you Centerville: Making Riverscape a Reality" in appreciation for the City's financial support. Mayor Beals pointed out that the City's financial support is to be used in an identifiable project as approved, in advance, by the Centerville City Council.

Upon questions of Mayor Beals, Mr. Robinette explained how precautions have been made with the levy to avoid a repeat of the 1913 flood in the City of Dayton. Mrs. Pero advised that the proposed baseball stadium will interface as one of the anchors for the Riverscape.

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Mayor Beals outlined the following events which took place during the previous month and will take place during the coming weeks:

On September 24, 1998 the Plaza at Benham's Grove was dedicated, a gift from The Friends of Benham's Grove.

Monday, October 5, 1998 was the date of the Kalamian Memorial Golf Tournament at The Golf Club at Yankee Trace which raised approximately \$23,000 for scholarships. This was a sell-out with 144 golfers participating followed by a very successful pig roast in the Gallery at Yankee Trace.

The second annual Autumn Ball sponsored by the Centerville Historical Society was held at Yankee Trace on Saturday, October 17, 1998 with approximately 150 people in attendance.

The week of October 23 through October 31 has been declared Red Ribbon Celebration Week in the City of Centerville. Residents are asked to wear a red ribbon as a reminder to fight against violence and substance abuse.

October 31, 1998 will be Beggars Night in the City of Centerville between the hours of 6:00 P.M. and 8:00 P.M. Mayor Beals encouraged participants to enjoy Halloween decorations, not destroy them.

Veterans Day will be observed at the War Memorial in the Leonard E. Stubbs Memorial Park on Wednesday, November 11, 1998 at 11:00 A.M. If it rains, the ceremony will be held at Benham's Grove.

Mr. Horn outlined the following during his City Manager's Report:

Economic Development Administrator William Stamper is working with local lending institutions to establish a Centerville/Washington Township Business Assistance Loan Program to be available in the Architectural Preservation District and in other areas of the City.

A major business is contemplating the old Kmart building on South Main Street as a new location. An application for financial assistance is being prepared for submittal to the Montgomery County EDGE program.

Work on the East Franklin Street (north side) Improvement Project should commence on Tuesday, October 20, 1998.

Mr. Horn advised that he has met with the Clayton Charter Commission relative to the development of a Charter for the City of Clayton.

City Engineer Norbert Hoffman is currently communicating with the Ohio Department of Natural Resources to develop an amendment to the City's Flood Damage Prevention Ordinance.

Being printed at this time is an informational brochure on the City of Centerville and pertinent information relative to our local government. This will be used for educational purposes for students.

A Property Owner's Guide to the Architectural Preservation District is at the printers and will be available soon.

Miss Gilleland outlined the Community Calendar through the remainder of the month of October and into November until the next meeting of Council.

Mayor Beals recognized Ohio Representative Robert Corbin in attendance at this meeting. He outlined his efforts to obtain state financial support for the Downtown Dayton Riverfront Project and other projects in the Dayton area over the next few years.

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Mr. Singer, speaking as Chairman of the Stormwater Drainage Task Force, reviewed a meeting held on Thursday, October 8, 1998; presented at this meeting was an overview of drainage projects completed during the past year. He identified the location of the Weller Avenue Ditch Improvement Project being situated between Weller Avenue and East Franklin Street, west of South Johanna Drive.

**ORDINANCE NUMBER 22-98 ZONING ORDINANCE AMENDMENT
YANKEE TRACE DEVELOPMENT AND HONAKER CITY INITIATED REZONING**

The Public Hearing was held concerning a City Initiated Rezoning for approximately 8.73 acres of land owned by Yankee Trace Development, Inc. and Rendale John and Dianna Lee Honaker; said property being situated in the rear of 9831 and 9871 Paragon Road. Mr. Feverston reviewed this Rezoning Application for a change from Washington Township Agriculture to Centerville R-1c, Single Family Residential zone classification. This property was annexed to the City of Centerville in 1997. Mr. Feverston located the subject property on a map and identified adjacent zone classifications and land uses. He compared uses permitted under Washington Township Agriculture classification and those permitted under Centerville's R-1c classification. The proposed single family residential is in conformance with the City's Comprehensive Plan. The Planning Commission, by unanimous vote, recommended approval of this rezoning to City Council. Mr. Reppert sponsored Ordinance Number 22-98, An Ordinance Amending Ordinance Number 11-86 Dated July 21, 1986, The Zoning Ordinance By Rezoning 8.73 Acres, More Or Less, From Washington Township Agriculture Zone Classification To Centerville R-1c, Single Family Residential Zone Classification, and moved that it be passed. Mr. Stone seconded the motion. The motion passed with six ayes in favor of the motion, Mr. Smith abstained.

ORDINANCE NUMBER 24-98 PROPERTY MAINTENANCE CODE AMENDMENT

The Public Hearing was held concerning Ordinance Number 24-98. Mr. Horn reviewed this proposed Ordinance to streamline the city's current Property Maintenance Code. This amendment provides the Code Official the authority to prosecute a property maintenance violation without it first being reviewed by the Centerville Property Review Commission, it provides the Property Review Commission the power to hear appeals against a decision of the Code Official, and it provides no automatic right to appeal a decision to City Council. Mr. Farquhar pointed out that in accordance with this amendment, prosecution of a violation can take place in five days rather than thirty days. Upon question of Mayor Beals, Mr. Farquhar advised that if City Council refuses to accept an appeal for consideration, the violator can ultimately appeal the case to the Common Pleas Court or the Court of Appeals. Mr. Kingseed sponsored Ordinance Number 24-98, An Ordinance Amending Chapter 1482 Of The Centerville Municipal Code By Changing The Procedure For Violations, and moved that it be passed. Mr. Reppert seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 25-98 RECREATIONAL FIRE DEFINED

The Public Hearing was held concerning Ordinance Number 25-98. Mr. Horn reviewed this proposed Ordinance to better define Recreational Fire in the Centerville Fire Code. Upon question of Mr. Reppert, Mr. Horn advised that a fire ring would be defined as being made of

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rock, metal or a non-combustible material. As suggested by Mr. Kingseed the definition for Recreational Fire was changed in the proposed Ordinance to read as follows: An outdoor fire utilized to cook food for human consumption fueled by seasoned dry firewood, propane, charcoal or other fuel designed for cooking, being used in an appliance or similar device designed for cooking, such as a grill or fire ring "comprised of stone, bricks, metal or similar non combustibile material", and must be no larger than 3 feet by 3 feet in size. Mr. Kingseed sponsored Ordinance Number 25-98 as amended, An Ordinance Amending Section F-403.2 Definitions Of The Centerville Fire Code (Also Known As The Southwest Ohio Fire Safety Council 1994 Uniform Fire Code) By Changing The Definition Of Recreational Fire, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote of City Council.

ORDINANCE NUMBER 27-98 LANDMARK DESIGNATION WELLER HOUSE

Mr. Feverston reviewed a proposed Ordinance to designate the Wilson-Weller house located at 7520 Clio Road as a landmark. This home was part of the development plan recently approved for the Weller farm located on the east side of Clio Road north of Black Oak Drive. Mr. Stone moved that Ordinance Number 27-98, An Ordinance To Designate The House Addressed As 7520 Clio Road And Known By Local Historians As The Wilson-Weller House, As A Landmark Within The City Of Centerville, Ohio, And Amending Ordinance No. 8-91, An Ordinance Establishing Procedures And Criteria To Designate Certain Houses, Buildings, Structures, Areas, Or Places As Landmarks Within The City Of Centerville, Ohio, And To Establish Procedures And Requirements To Regulate The Renovation, Rehabilitation, Remodeling, Addition, Alteration, Development, Construction, Or Demolition Of A Designated Landmark, be set for Public Hearing on December 21, 1998. Mr. Reppert seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 28-98 MUNICIPAL CODE ANNUAL UPDATE

Mr. Horn reviewed a proposed Ordinance to amend the Centerville Municipal Code placing all appropriate Ordinances and Resolutions passed by City Council since the last update into the Code. Mrs. Lienesch moved that Ordinance Number 28-98, An Ordinance Approving The Editing And Inclusion Of Certain Ordinances And Resolutions As Parts Of The Various Component Codes Of The Codified Ordinances, Providing For The Adoption And Publication Of New Matter In The Updated And Revised Codified Ordinances, And Repealing Ordinances And Resolutions In Conflict Therewith, be set for Public Hearing on November 16, 1998. Mr. Kingseed seconded the motion. The motion passed by unanimous vote of City Council.

RESOLUTION NUMBER 41-98 ACCEPT EASEMENT FROM JAMES & MARY FADDEN

Mr. Weaver explained the City's need for a permanent easement across the property owned by James P. and Mary C. Fadden, known as lot 145 in Section Seven of Rose Estates. This easement is necessary for the permanent installation, location and maintenance of a main sewer line. Mrs. Lienesch sponsored Resolution Number 41-98, A Resolution Accepting A Permanent Easement From James P. And Mary C. Fadden For The Installation And Maintenance Of Storm Sewers And Storm Sewer Structures, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed unanimously.

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RESOLUTION NUMBER 42-98 WELLER AVENUE DITCH IMPROVEMENT

Mr. Weaver reviewed the following bids received for the Weller Avenue Ditch Project:

Baisden Excavating Inc.	\$24,040.00
TdM Construction Company, Inc.	26,000.00
Associated Excavating, Inc.	27,130.00
Neal Excavating, Inc.	29,148.00
Excel Contracting, Inc.	32,070.00
L. J. DeWeese Company, Inc.	33,000.00

This improvement project should eliminate stagnant water from standing in the swale of the ditch. Mr. Weaver recommended acceptance of the low bid submitted by Baisden Excavating Inc. in the amount of \$24,040.00. Mr. Reppert sponsored Resolution Number 42-98, A Resolution Accepting The Bid Submitted By Baisden Excavating, Inc., For The Weller Avenue Ditch Project For The City Of Centerville And Authorizing The City Manager To Enter Into An Agreement In Connection Therewith, and moved that it be passed. Mr. Smith seconded the motion. The motion passed unanimously.

There being no further business, the meeting was adjourned.

Approved: Sally D. Beals
Mayor

ATTEST: Heard J. Saughel
Clerk of Council